

## TITLE 7: PUBLIC PEACE, MORALS AND WELFARE

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## **Chapter 7.05 Animals**

### **§ 7.05.005 Definitions.**

For the purpose of this chapter, the following words and phrases shall mean:

- A. Animal: any fish, fowl, reptile or nonhuman mammal.
- B. Animal Control Officer: the officer designated by the city council to administer this chapter.
- C. At-Large: away from the property owned or occupied by the owner of the animal.
- D. Kennel: a building, enclosure or premises wherein more than 4 dogs and cats (in any combination) over 4 months of age are kept.
- E. Leashed: securely confined by a leash not exceeding 6' in length.
- F. Non-domestic Animal: an animal of a species that has not been domesticated so as to live and breed in a tame condition. "Non-domestic animal" includes wolf/dog hybrids.
- G. Owner: a person who legally owns an animal or who harbors an animal with the permission of the legal owner.
- H. Vicious Animal: an animal that has bitten or scratched a person or another animal without provocation.
- I. Wild Bird: a bird of the columbine family. "Wild bird" includes pigeons and doves.

### **§ 7.05.010 Penalty.**

Violation of any of the provisions of this chapter shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure of this code.

### **§ 7.05.015 Animal Control Officer.**

- A. The animal control officer shall be responsible for the administration of this chapter. In performing such duty, the animal control officer may do the following without limitation:

1. Require posting of a “Beware of Animal” sign at a property at which there is an animal having a disposition to attack without provocation.

2. Order the enclosure of an animal having a disposition to attack without provocation.

3. Order the quarantine of a vicious animal. In the event of such order, the owner of the animal shall not remove the animal from the premises and shall not kill the animal for the period specified by the animal control officer.

4. Require posting of an “Animal Quarantine” sign at a property harboring an animal for which a quarantine order has been issued.

5. Procure license certificates and tags.

B. The animal control officer may not remove an animal from the property of its owner without the written consent of such person except where circumstances (including without limitation injury, distress or danger to life or limb) require removal.

#### **§ 7.05.020 Animal Shelter.**

The city or the animal control officer shall provide a building or enclosure to hold impounded animals. The animal control officer shall collect fees for holding impounded animals and miscellaneous animal shelter services. The fee amounts shall be set by city council resolution.

#### **§ 7.05.025 Animal Keeping.** (Ord. No. 1551)

A. In addition to complying with any restrictions set forth in the City’s zoning regulations, no person shall keep any animals except a maximum of:

1. 4 weaned cats and dogs in any combination.
2. 6 parakeets, parrots, canaries, or similar domestic birds.
3. 6 reptiles (e.g. turtles, lizards, or snakes, etc.).

B. Reptiles maintained outside shall be kept in a fully enclosed structure located a minimum distance of 10 feet from any lot line, 50 feet from any dwelling units, and 100 feet from any school, park, religious establish, hospital, or similar institution.

#### **§ 7.05.030 Non-domestic Animal Permit.**

A. No person shall keep a non-domestic animal without first obtaining from the animal control officer, and maintaining in full force and effect, a non-domestic animal permit for such animal. The fee for a non-domestic animal permit shall be set by city council resolution.

B. The animal control officer may approve, conditionally approve or deny a request for a non-domestic animal permit. A non-domestic animal permit may be denied for any of the following reasons:

1. Adequate provision has not been made for the restraint, care and feeding of the animal.
2. Keeping the animal is not necessary for educational or research purposes.
3. Keeping the animal will be detrimental to the public health, safety or welfare.

C. The animal control officer may revoke a nondomestic animal permit if the permittee has violated this chapter, or if the animal poses a threat to the public health, safety or welfare. The animal control officer shall afford the permittee a hearing prior to revoking a nondomestic animal permit. Reasonable advance written notice of the time and place of such hearing, as well as a brief statement of the grounds on which the proposed revocation is based, shall be given to the permittee.

#### **§ 7.05.035 Cat or Dog Breed Permit.**

A. No person shall keep a cat or dog for breeding purposes without first obtaining a cat or dog breed permit from the animal control officer. The fee for cat and dog breed permits shall be set by city council resolution.

B. A breed permit shall not be issued if the premise where the animal is harbored is within 300 feet of a dwelling inhabited by someone other than the applicant.

C. Selling or giving away a puppy or kitten from a litter shall be prima facie evidence of breeding.

#### **§ 7.05.040 Dog License.**

A. No person shall keep a dog over 4 months of age without maintaining a current license from the animal control officer. The fee for a license shall be established by city council resolution.

B. A metallic license tag and certificate with corresponding numbers shall be furnished by the animal control officer upon payment of the license fee. The animal control officer shall keep records of each person to whom a license tag and license certificate is issued.

C. Each license shall expire on December 31st each year.

D. A dog license shall not be required for the following:

1. Seeing eye dogs.

2. Dogs honorably discharged from the armed forces.

3. Dogs kept by nonresidents traveling through the city for a period of less than 30 days. Notwithstanding the foregoing, a license shall be required for dogs that use a city dog park, unless the dog has a valid license and has a license tag or tattoo issued by the jurisdiction of the dog owner's primary place of residence. (Ord. No. 1523, Ord. No. 1533)

4. Dogs temporarily brought into the city to participate in an exhibition.

#### **§ 7.05.045 Display of Dog License.**

A. The license tag issued for the current license year shall be securely fastened to the collar or harness of the dog, and shall be worn by the animal when at large.

B. No dog owner shall fail or refuse to show to the animal control officer or to a police officer the license tag or certificate issued for the animal.

C. A dog may, at the owner's option and expense, be tattooed with its registration information.

#### **§ 7.05.050 Rabies Vaccination.**

A. Every person who possesses a dog over the age of 4 months shall cause the animal to be inoculated against rabies within 30 days from the date the animal is brought into the city. The inoculation shall be with an anti-rabies vaccine approved by the county health officer.

B. This section shall not apply if proof can be shown that the dog has been inoculated with an anti-rabies vaccine approved by the county health officer and that the vaccine period is still active. This section also shall not apply upon presentation of an affidavit from a licensed veterinarian stating that the vaccination likely would seriously injure the dog.



**§ 7.05.055 At-Large Requirements for Cats and Dogs.**

A. No owner of a dog shall permit the animal to be at large unless it is leashed, confined in a motor vehicle or on another person's property with permission.

B. No owner of a cat shall permit the animal to enter upon another person's property or residential unit without permission.

C. The animal control officer may impound any cat or dog found in violation of this section.

**§ 7.05.060 Disposition of Impounded Cats and Dogs.**

A. Impounded cats and dogs shall be held at the animal shelter in accordance with state law.

B. The animal control officer may sell any impounded cat or dog that is not redeemed within the statutory hold period. Such sale shall be made to the person offering both the highest amount of cash and payment of all animal shelter fees associated with the animal. Cats older than 6 months shall not be sold unless spayed or neutered.

**§ 7.05.065 Noisy Animals. (Ord No. 1609)**

A. No person shall keep, maintain, or permit on any lot or parcel of land under his or her control or ownership, any animal of any type, including any fowl, that makes any sound, noise, or cry that due to a combination of its volume, pitch, pattern, or frequency interferes with the comfortable enjoyment of life and property. Such interference shall constitute a public nuisance and a noise disturbance in accordance with this Title.

B. An animal is not deemed to interfere with the comfortable enjoyment of life and property if the animal is making noise due to a person or other animal that is trespassing or threatening to trespass upon private property in or upon which the animal is situated, or when the animal is being teased or provoked, or is impounded at the City's animal shelter.

C. Any person authorized to enforce the requirements of this chapter may do so on the basis of either his or her own direct observation of a violation or written complaints, signed under penalty of perjury, by two or more persons who reside in separate residences and each personally witnessed the violation.

D. Nothing in this chapter shall establish standards for private civil claims, in either civil court or small claims court, nor shall this chapter preclude any person from pursuing a private civil action in either civil or small claims court.

**§ 7.05.070 Transportation of Animals.**

No person shall transport an animal by motor vehicle unless the animal is confined to prevent falling or jumping off the vehicle.

**§ 7.05.075 Kennels.**

No person shall operate a kennel within 1,000 feet of any dwelling inhabited by someone other than the kennel operator.

**§ 7.05.080 Sanitary Measures.**

A. No cat owner or dog owner shall fail or refuse to remove feces defecated by the animal onto city property or onto private property not owned by such owner.

B. No person owning or occupying property where an animal is kept shall maintain such property in an unsanitary condition. An accumulation of uneaten food, feces or other matter that emits an offensive odor or encourages insect breeding shall constitute prima facie evidence of an unsanitary condition. This provision shall not prohibit storage of uneaten food, feces or other matter in a closed container prior to disposal.

**§ 7.05.085 Separation from Commercial Food.**

A. No owner of an animal shall permit the animal to remain in any restaurant, store or vehicle where commercial food for human consumption is offered for sale, prepared, stored or transported.

B. This section shall not apply to visually impaired persons utilizing seeing eye dogs.

**§ 7.05.090 Blocking Public Places.**

No owner of a dog shall tie the dog to a tree, bike rack or similar object in front of any public place.

**§ 7.05.095 Selling on Public Property.**

No person shall offer any animal for sale, barter or donation on city property.

**§ 7.05.100 Feeding Wild Birds.**

No person shall feed any wild bird. This prohibition shall not apply to the feeding of wild birds that are confined in an enclosure on private property.

**§ 7.05.105 At-Large Requirements for Miscellaneous Animals.**

No owner of an animal, other than a cat or dog, shall permit the animal to run at large.

**§ 7.05.110 Separation from Sensitive Uses.**

A. No person shall keep an animal within 50 feet of a school or hospital. This prohibition shall not apply to the keeping of cats, dogs or birds of the psittacine family. This prohibition also shall not apply to the keeping of an animal in the dwelling of the owner.

B. No person shall keep more than 4 birds of the psittacine family within 35 feet of any inhabited structure, school or hospital.

**§ 7.05.115 Bees.**

No person shall keep a beehive within 200 feet of a dwelling inhabited by someone other than the beekeeper. This prohibition shall not apply to the keeping of bees within an educational institution, medical office or laboratory for educational or research purposes, provided the bees are not permitted to fly at large.

**§ 7.05.120 Prohibited Animals.**

No person shall keep any of the following animals: cattle; hogs; fowl; goats; horses; or mules.

**§ 7.05.125 Dog Park.** (Ord. No. 1523)

Notwithstanding any other provision of this chapter, the park located at Lampson Avenue and Heather Street ("Arbor Park") is hereby established as a dog park, in which responsible adults may allow dogs to be without leashes within the fenced areas, provided that the responsible adults and all persons accompanying them comply with all of the following conditions. For purposes of this section, "responsible adult" means any person 18 years or older who owns, has a proprietary interest in, harbors, or has the care, charge, control, custody or possession of a dog.

A. Each dog must be chaperoned by a responsible adult. For the purposes of this section, to "chaperone" a dog means that a responsible adult is inside the dog park and is in control of the dog at all times.

B. Each responsible adult may chaperone a maximum of 3 dogs in the dog park on each visit.

C. A responsible adult may allow any dog that he or she chaperons to be without leashes inside the fenced areas of the dog park. However, dogs must wear leashes at all times the dogs are not inside the fenced areas. (Ord. No. 1533)

D. No animals, other than domesticated dogs, are permitted in the dog park.

E. Persons entering or exiting the fenced areas of the dog park must close park gates behind them.

F. Dog License. A license must be obtained prior to a dog using the dog park, as follows:

1. A city dog license must be obtained pursuant to the provisions of this chapter for a dog owned by a city resident or by any person who lives in a jurisdiction that does not require a license for the dog; or

2. A valid dog license must be obtained by any person who is not a city resident pursuant to the laws of jurisdiction of the dog owner's primary place of residence.

G. Metallic License Tags or Registration Tattoos. Dogs in the dog park must wear metallic license tags at all times, unless the dogs are tattooed with their registration information. If a dog owner is not a city resident, and the jurisdiction of the dog owner's primary place of residence does not provide either license tags or tattooing for licensed dogs, the owner must obtain a license tag or tattoo from the city pursuant to the provisions of this chapter prior to the dog using the dog park.

H. Annual Dog Park Permit for Non-Residents. Prior to using the dog park, an annual dog park permit must be obtained for each dog that belongs to a person who is not a city resident. The application for the permit shall consist of an application fee and proof of a current dog license. The annual fee shall be set by city council resolution. In addition to a license tag or tattoo required pursuant to paragraph G, such dog must wear a metallic permit tag at all times the dog is inside the dog park.

I. No dog shall be permitted in the dog park unless it has received a rabies vaccination within the last 3 years, and the effective period of the vaccine has not elapsed. (Ord. No. 1533)

J. Each responsible adults shall, at all times, take all reasonable precautions to prevent the dog(s) they chaperone from biting, attacking or

attempting to bite or attack any person or dog. A responsible adult shall immediately remove a dog he or she chaperones from the dog park if it bites, attacks or attempts to bite or attack any person or dog.

K. No person who has the care, charge, control, custody, or possession of any of the following kinds of dog shall allow such dog to enter or remain in the dog park at any time:

1. A dog less than 4 months old.
2. A dog in heat.
3. A vicious animal.
4. A dog with a communicable illness, infection, fleas, or parasites.
5. A dog that is currently under quarantine or that has previously been under quarantine by order of the animal control officer.

L. The following are prohibited in the dog park and no person shall bring any of the following into the dog park:

1. Food (irrespective of whether the food is intended for consumption by humans, dogs, or other species).
2. Dog treats.
3. Glass containers.
4. Alcohol.
5. Children's toys.
6. Sports equipment.

M. Smoking is prohibited in the dog park and within 20 feet of the perimeter of the dog park.

N. In the event the City designates specific areas of the dog park for dogs of certain sizes, a responsible adult shall not allow a dog to enter an area of the park for dogs of a different size. If a responsible adult brings dogs in different size category to the dog park, none of those dogs will be allowed to enter the park unless each dog within a different size category is accompanied by a chaperone for its designated specific area. (Ord. No. 1533)

O. No responsible adult shall fail or refuse to remove feces defecated by a dog he or she chaperones at the dog park. Waste receptacles are located within the park for disposal purposes.

P. For the safety of all dogs, spike collars, pinch collars and choke collars are not permitted.

Q. Responsible adults shall not allow their dogs to dig holes.

R. All persons shall comply with instructions of peace officers and animal control officers at all times. Violation of this or any other provision of this section shall be grounds for immediate and permanent expulsion from the use of the dog park and revocation of a dog permit.

\* \* \* \* \*

## **Chapter 7.10**

### **Harmful Matter Displays**

#### **§ 7.10.005 Definition.**

As used in this chapter, the phrase “material that is harmful to minors” means “harmful matter” as that term is defined in Penal Code Section 313.

#### **§ 7.10.010 Blinder Rack Requirement.**

No material that is harmful to minors shall be displayed in a public place, other than a public place from which minors are excluded, unless blinder racks are placed in front of the material so that the lower two-thirds of the material is not exposed to view.

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## Chapter 7.15 Noise

### § 7.15.005 County Code Adopted by Reference.

Except as provided in this chapter, the noise code for the county, set forth at Orange County Code Section 4-6.1 et seq., is hereby adopted by reference as the noise ordinance for the city.

### § 7.15.010 Designated Noise Zones.

The noise zones of the city are as follows:

- A. Noise Zone 1: Residential properties.
- B. Noise Zone 2: Commercial properties.
- C. Noise Zone 3: Industrial, manufacturing and oil properties.

### § 7.15.015 Exterior Noise Standards.

A. Unless otherwise specifically indicated, the following exterior noise standards shall apply to all property within a designated noise zone:

#### Noise Standards:

<u>Noise Zone</u>	<u>Noise Level</u>	<u>Time Period</u>
1	55 db(A)	7:00 a.m. – 10:00 p.m.
	50 db(A)	10:00 p.m. – 7:00 a.m.
2	65 db(A)	At any time
3	70 db(A)	At any time

In the event the alleged offensive noise consists of impact noise, simple tone noise, speech, music or any combination thereof, each of the above noise levels shall be reduced by 5 db(A).

B. No person shall create any noise, or allow the creation of any noise, on property owned or occupied by such person when such noise causes the noise level to exceed the following when measured from a residential property:

- 1. The exterior noise standard for a cumulative period of more than 30 minutes in any hour.

2. The exterior noise standard plus 5 db(A) for a cumulative period of more than 15 minutes in any hour.

3. The exterior noise standard plus 10 db(A) for a cumulative period of more than 5 minutes in any hour.

4. The exterior noise standard plus 15 db(A) for a cumulative period of more than 1 minute in any hour.

5. The exterior noise standard plus 20 db(A) for any period of time.

C. In the event the ambient noise level exceeds any of the first 4 noise limit categories in paragraph B, the cumulative period applicable to such category shall be increased to reflect that ambient level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

#### **§ 7.15.020 Interior Noise Standards.**

A. Unless otherwise specifically indicated, the following interior noise standards shall apply to all residential property within a designated noise zone:

##### Noise Standards:

<u>Noise Zone</u>	<u>Noise Level</u>	<u>Time Period</u>
1	55 db(A)	7:00 a.m.– 10:00 p.m.
	50 db(A)	10:00 p.m. – 7:00 a.m.

In the event the alleged offensive noise consists of impact noise, simple tone noise, speech, music or any combination thereof, each of the above noise levels shall be reduced by 5 db(A).

B. No person shall create any noise, or allow the creation of any noise, on property owned or occupied by such person when such noise causes the noise level to exceed the following when measured from another dwelling unit on residential property:

1. The interior noise standard for a cumulative period of more than 5 minutes in any hour.

2. The interior noise standard plus 5 db(A) for a cumulative period of more than 1 minute in any hour.

3. The interior noise standard plus 10 db(A) for any period of time.

C. In the event the ambient noise level exceeds either of the first 2 noise limit categories in paragraph B, the cumulative period applicable to such category shall be increased to reflect that ambient level. In the event the ambient noise level exceeds the third noise limit category, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

#### **§ 7.15.025 Exemptions.**

The following activities are exempt from the provisions of this chapter:

A. Activities conducted on the grounds of a nursery, elementary, intermediate or secondary school or college.

B. Activities conducted pursuant to a special event permit issued by the city.

C. Activities conducted at a publicly owned park or playground.

D. Any mechanical device, apparatus or equipment used in connection with emergency machinery, vehicle or work.

E. Noise associated with construction, repair, remodeling or grading of real property performed in the following periods: between 7:00 a.m. and 8:00 p.m. on weekdays; and between 8:00 a.m. and 8:00 p.m. on Saturday.

F. Noise associated with real property maintenance performed in the following periods: between 7:00 a.m. and 8:00 p.m. on weekdays; between 8:00 a.m. and 8:00 p.m. on Saturday; and between 9:00 a.m. and 8:00 p.m. on Sunday or a holiday.

G. Activities for which local noise regulations are preempted by federal or state law.

#### **§ 7.15.030 Schools, Hospitals and Churches.**

A. No person shall create any noise that causes the noise level at a school, hospital or church to exceed the exterior noise standard for the noise zone in which such facility is located.

B. No person shall create any noise that causes the noise level at a school, hospital or church to interfere unreasonably with the operation of the facility.

C. The prohibitions of this section apply only if signs are conspicuously displayed at 3 separate locations within one-tenth of a mile of the school, hospital or church. Additionally, the prohibitions of this section apply only if the school, hospital or church is in use.

**§ 7.15.035 Heating, Venting, and Air Conditioning Equipment.** (Ord. No. 1551)

A. No building permit shall be issued for the installation of heating, venting and air conditioning ("HVAC") equipment in or adjacent to residential areas if the noise produced by the HVAC equipment exceeds an A-weighted exterior sound pressure level of 50 dBA. The method of computation used shall be that specified in the "Application of Sound Rating Levels of Outdoor Unitary Equipment," Standard 275, Air-Conditioning and Refrigeration Institute, 1997 ed. or the latest revision thereof.

B. Notwithstanding Subsection A, a building permit may be issued for the installation of:

1. HVAC equipment containing a timing device deactivating the HVAC equipment between the hours of 10:00 p.m. and 7:00 a.m. provided the noise produced by the HVAC equipment does not exceed an A-weighted exterior sound pressure level of 55 dBA.

2. HVAC equipment generating noise that does not exceed an A-weighted exterior sound pressure level of 65 dBA, provided that the applicant obtains the prior written consent of the owner of each property where the exterior sound pressure level would exceed 55 dBA.

**§ 7.15.040 Motor Vehicle Burglar Alarms.**

A. No person shall cause or allow a burglar alarm located in a motor vehicle owned or operated by such person to emit an audible sound for a period of more than 10 minutes. Calculation of the time shall commence with the first audible sound and shall terminate 10 minutes thereafter, notwithstanding any variation or delay in the emissions of the sound.

B. Any person violating this section shall be guilty of an infraction. Notwithstanding the preceding, any person violating this section shall be guilty of a misdemeanor for the 4th and each subsequent violation in a year period.

\* \* \* \* \*

## **Chapter 7.20**

### **Miscellaneous Regulations**

#### **§ 7.20.005 Definition.**

For the purposes of this chapter, the term “city property” shall mean all property owned by the city, including without limitation the public beach, pier, parks and public parking facilities.

#### **§ 7.20.010 Consumption/Possession of Alcoholic Beverages in Public Places.** (Ord. No. 1552)

A. Prohibitions. The following acts are prohibited on City property, public and private parking lots and parking facilities, and vacant lots:

1. Consumption of an alcoholic beverage.
2. Possession of any can, bottle or other receptacle containing any alcoholic beverage, which has been opened, or which has had a seal broken, or the contents of which have been partially removed.

B. Exemptions. Paragraph A shall not apply to consumption of alcoholic beverages at the following locations:

1. Premises licensed under the Alcoholic Beverage Control Act.
2. Events conducted pursuant to a special event permit and licensed under the Alcoholic Beverage Control Act.
3. Private property where the owner has provided consent.

#### **§ 7.20.015 Glass Containers.**

No person shall consume a beverage from, possess or use a glass container while in or upon the public beach, pier, parks or parking facilities adjacent thereto. For purposes of this section, the term “glass container” means any receptacle made of glass including without limitation a bottle, cup, tumbler, jar, vial, flask, decanter, carafe, pitcher, cruet or jug.

#### **§ 7.20.020 Camping and Storage on City Property.**

A. Definitions. For the purposes of this section, the following words and phrases shall mean:

1. Camp: to pitch or occupy camp facilities; to use camp paraphernalia.
2. Camp Facilities: temporary shelters including without limitation tents, huts and lean-tos.
3. Camp Paraphernalia: tarpaulins, cots, beds, sleeping bags, hammocks or non-city provided cooking facilities and similar equipment.
4. Store: to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

B. Prohibitions.

1. No person shall camp, occupy camp facilities or use camp paraphernalia in or on any city property, public property or public right-of-way.
2. No person shall store any personal property in or on any city property, public property or public right-of-way.

**§ 7.20.025 Nighttime Curfew.**

A. Definitions. For the purpose of this section, the following words and phrases shall mean:

1. Constitutionally Protected Expressive Activity: An activity protected by the First Amendment of the United States Constitution or by Article I, Section 2 of the California Constitution.
2. Emergency: an unforeseen combination of circumstances or the resulting state, that calls for immediate action. "Emergency" includes without limitation a fire, natural disaster, an automobile accident or other situation requiring immediate action to prevent bodily injury.
3. Nighttime Curfew Hours: the period from 10:00 p.m. of any evening through 6:00 a.m. of the following day.
4. Guardian: a person designated by a court to be the guardian of a minor.
5. Responsible Adult: a person, 18 years of age or older, who has been authorized by the parent or guardian of a minor to have custody of the minor.
6. Public Place: a place to which the public has access, including without limitation, publicly owned alleys, beaches, parks, sidewalks and

streets. "Public place" also includes privately owned businesses that are open to the public, including without limitation arcades, bars, saloons and restaurants.

7. Un-emancipated Minor: a person who is under the age of 18 years and is not an "emancipated minor" as defined in Family Code Section 7002.

B. Prohibitions.

1. No un-emancipated minor shall be present in a public place during nighttime curfew hours.

2. No parent or guardian of an un-emancipated minor shall knowingly permit such person to be present in a public place during nighttime curfew hours.

C. Exemptions. Paragraph B does not apply if the un-emancipated minor is any of the following:

1. On the sidewalk abutting his or her residence.
2. In a motor vehicle involved in interstate travel.
3. Responding to an emergency.
4. Attending an adult-supervised activity sponsored by the city, a school, religious institution, civic organization or similar entity.
5. Accompanied by his or her parent, guardian or responsible adult.
6. On an errand at the direction of his or her parent, guardian or responsible adult.
7. Traveling between home and an employment activity or a constitutionally protected expressive activity.
8. Engaged in an employment activity or a constitutionally protected expressive activity.

**§ 7.20.030 Daytime Curfew.**

A. Definitions. For the purpose of this section, the following words and phrases shall mean:

1. Daytime Curfew Hours: the period from 8:00 a.m. through 2:30 p.m. on a school day.

2. School Age Minor: a person who is between the ages of 6 and 18 years.

3. School Day: a weekday in which school is in session.

4. Guardian: a person designated by a court to be the guardian of a minor.

5. Responsible Adult: a person, 18 years of age or older, who has been authorized by the parent or guardian of a minor to have custody of the minor.

6. Public Place: a place to which the public has access, including without limitation publicly owned alleys, beaches, parks, sidewalks and streets. "Public place" also includes privately owned businesses that are open to the public, including without limitation arcades, bars, saloons and restaurants.

B. Prohibitions.

1. No school age minor shall be present in a public place during daytime curfew hours.

2. No parent or guardian of a school age minor shall knowingly permit such person to be present in a public place during daytime curfew hours.

C. Exemptions. Paragraph B does not apply if the school age minor is any of the following:

1. Exempt from compulsory full-time education or compulsory continuation education pursuant to the Education Code.

2. Accompanied by his or her parent, guardian or responsible adult.

3. On an errand at the direction of his or her parent, guardian or responsible adult.

4. Traveling to or from an employment activity with a valid permit from school.

5. Traveling to or from a medical appointment with written proof of the appointment.



6. Traveling to or from lunch with a valid permit from school.
7. Traveling to or from a school-sponsored activity.
8. In possession of a valid off-campus permit from school.
9. Not a resident of the Los Alamitos Unified School District and is in possession of identification confirming such non-residency.
10. Receiving instruction at a private school pursuant Education Code Section 48222 or by a private tutor pursuant to Education Code Section 48224.
11. On an excused absence authorized by Education Code Section 48205(a).

**§ 7.20.035 Public Nudity.**

A. Definitions. For the purpose of this section, the following words and phrases shall mean:

1. Nudity:
  - a. The showing of human genitals, pubic area, anus or cleft of the buttocks with less than a fully opaque covering. (Ord. No. 1533)
  - b. The showing of the female breast with less than a fully opaque covering of any part of the nipple.
  - c. The exposure of any device, costume or covering that gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum, anal region or pubic hair region.
  - d. The exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola.
2. Theater, Concert Hall or Similar Establishment: a building or place having fixed seats so arranged for spectators to have an unobstructed view of a stage upon which theatrical performances or similar forms of artistic expression are presented. "Theater, concert hall or similar establishment" does not include an adult cabaret as defined in title 5 of this code and in the zoning ordinance.

B. Prohibitions.

1. No person shall appear in a state of nudity in a public place.
2. No person shall change clothing worn by such person, or remove clothing worn by such person, in any motor vehicle located on a public alley, parking lot, street or other public place.

C. Exemptions. Paragraph B shall not apply to the following:

1. A child under the age of 10.
2. A woman exposing a breast in the process of nursing an infant.
3. Acts prohibited, or the prohibition of which is preempted, by state law.
4. Performers in a theater, concert hall or similar establishment.

**§ 7.20.040 Gaming.**

A. Scope. This section does not apply to gaming that is prohibited by state law.

B. Definitions. For the purpose of this section, the following words and phrases shall mean:

1. Gaming: the dealing, playing, carrying on or conducting of a game with cards, dice, dominos or any device, for money, checks, chips, credit or any representative of value.
2. Gaming house: a house, room, venue or other place where gaming is conducted.

C. Prohibitions.

1. No person shall operate a gaming house, or allow a gaming house to be operated, on any property owned or occupied by such person.
2. No person shall knowingly permit gaming to occur on any property owned or occupied by such person.
3. No person shall visit a gaming house or bet in any gaming.
4. No person shall engage in gaming on public property including without limitation the municipal pier. Nor shall any person transport

another person by water vessel from the municipal pier or any water within the city's boundaries to another vessel or a place where such gaming is conducted.

D. Exemptions. Paragraph C does not apply to the following:

1. Gaming that is conducted for purely social purposes and that occurs in a private residence.

2. Gaming that is conducted by a civic, religious or veteran's organization pursuant to a gaming permit issued by the city council. Gaming permits may be issued by the city council to allow gaming by the members of such organizations for a maximum of 12 hours per calendar month.

#### **§ 7.20.045 Damaging City Property.**

A. No person shall damage, destroy or deface any city property.

B. Any person who gives to the police department information leading to the arrest and conviction of a person for violation of paragraph A shall, upon making a claim therefore, be paid by the city a reward in an amount set by city council resolution.

#### **§ 7.20.050 Obedience to Official Signs.**

All persons shall not refuse to obey the provisions of an official sign posted by the city.

#### **§ 7.20.055 Firearms and Ammunition.**

A. No person shall discharge a gun, compressed air gun, pistol or other firearm without first obtaining a permit from the chief of police. This prohibition does not apply to law enforcement personnel acting in the course of duty.

B. No person shall sell, offer for sale or possess ammunition capable of being discharged by a compressed air gun.

#### **§ 7.20.060 Tobacco.**

A. No person shall do any of the following:

1. Sell or dispense any cigarettes or tobacco product, a cigarette paper or cigarette wrapper through the use of a vending machine.

2. Accept or place an advertisement for any tobacco product on or in any vehicle of public transportation owned or licensed by the city. For

purposes of this provision, “vehicle of public transportation owned or licensed by the city” includes transit depots, transit waiting areas and transit shelters.

3. Sell cigarettes apart from the required manufacturer’s package containing health warnings.

4. Distribute or furnish without charge in any public place or event to which the public is invited, or cause to be distributed or furnished without charge in any such place, cigarettes or other tobacco products.

B. Any person who violates this section shall be guilty of an infraction.

**§ 7.20.065 Fireworks.** (Ord. No. 1606)

A. It is illegal to sell, possess, or discharge fireworks, except pursuant to a special event permit permitting public display of fireworks issued in accordance with this Section. For purposes of this Section, the terms “firework” and “public display of fireworks” have the meanings set forth in the California Health and Safety Code.

B. The public display of fireworks is allowed on property located in the Recreational Golf Zone (R/G Zone) if the property is at least 25 acres in size and the person conducting the display first obtains approval of a special use permit in accordance with Chapter 7.50 of the Municipal Code. The City may issue a special event permit for the public display of fireworks annually on July 4<sup>th</sup> provided the applicant: (a) satisfies all requirements of Chapter 7.50; (b) satisfies all Orange County Fire Authority and Seal Beach Police Department requirements; and (c) abides by and conforms to applicable safety, professional and technical standards and all applicable federal, State and local laws regarding fireworks.

C. The fire chief shall seize, impound, and dispose of all fireworks sold, possessed, or discharged in violation of this Section. Any person who violates this Section shall be liable to the city for the actual costs of seizure, impoundment, and disposal of such fireworks, in addition to any and all other penalties available under the Municipal Code.

**§ 7.20.070 Skate Park Facilities.**

A. Zoeter Park Skate Facility is designed and maintained, and is hereby designated, as a skateboard park in which skateboarding, in-line skating and roller skating is permitted pursuant to the provisions of this section.

B. Every person skateboarding, in-line skating or roller skating at Zoeter Park Skate Facility must:

1. Wear a fully-functional helmet, elbow pads, and knee pads.
2. Be supervised by an adult if under the age of 14.
3. Comply with all posted rules and regulations.

**§ 7.20.075 Signs on Public Property.**

A. Purpose. The purpose of this section is to curb the visual assault on citizens presented by an accumulation of signs posted on public property.

B. Prohibition. No person shall paint, mark, or write on, or post or otherwise affix, any handbill or sign to or upon any public right-of-way, sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or appurtenances or apparatus connected therewith, or wire appurtenant thereof or upon any fixture of the fire alarm or police telegraph system or upon any lighting system or public bridge, drinking fountain, life buoy, life preserver, life boat, or other life saving equipment, street sign or traffic sign owned or maintained by any public entity or public utility.

C. Removal. Any handbill or sign found posted, or otherwise affixed, upon any property contrary to the provisions of this section is declared to be a public nuisance and may be removed by the city. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal and the city manager may effect the collection of that cost.

D. Exceptions. This section shall not apply to the following:

1. The painting of house numbers on curbs done under a permit issued by the city and in accordance with standards established by such permit.
2. Signs installed upon or affixed by a public entity or public utility on property owned by such entity or utility.

**§ 7.20.080 Graffiti.**

A. Definitions. For the purpose of this section, the following words and phrases shall mean:

1. Graffiti or other inscribed material: includes without limitation any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any real or personal property.

2. Expense of abatement: includes without limitation: court costs; attorney's fees; costs of removal of the graffiti or other inscribed material; costs of repair and replacement of defaced property; costs of administering and monitoring the participation of a defendant and his or her parents or guardians in a graffiti abatement program; and law enforcement costs incurred by the city in identifying and apprehending the person who created, caused or committed the graffiti or other inscribed material on the publicly or privately owned permanent real or personal property within the city.

B. Removal Requirement. No owner, lessee, occupant or other person having present possession of a lot or parcel of land shall permit graffiti or other inscribed material to remain on such lot or parcel for a period in excess of 48 hours following service by the city of a notice to abate graffiti.

C. Abatement. The maintenance of property with graffiti, or other inscribed material thereon, shall constitute a public nuisance and shall be subject to abatement in accordance with Chapter 7.40 of this code.

D. Use of City Funds. City funds may be used to remove graffiti or other inscribed material from publicly or privately owned real or personal property located within the city. Additionally, city funds may be used to replace or repair publicly or privately owned property within the city that has been defaced with graffiti or other inscribed material that cannot be removed cost effectively. This paragraph authorizes only the removal of the graffiti or other inscribed material itself or, if the graffiti or other inscribed material cannot be removed cost effectively, the repair or replacement of the portion of property that was defaced. This paragraph does not authorize the painting, repair or replacement of other parts of the property that was not defaced.

The removal, repair or replacement shall not be performed without the consent of: the public entity having jurisdiction over the property, in the case of publicly owned real or personal property; or the owner or possessor of the property, in the case of privately owned real or personal property.

E. Penalty. Each person violating paragraph B is guilty of an infraction unless such a violation is prosecuted through the administrative penalty procedure of this code.

#### **§ 7.20.085 Sleeping In Vehicles Overnight Prohibited.**

No person shall sleep in any automobile, recreational vehicle, house trailer, camper, or other vehicle parked on any public parking lot, public street, public alleyway or passageway between the hours of 9:00 p.m. and 9:00 a.m.

(Ord. No. 1551)

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## **Chapter 7.25 Parades**

### **§ 7.25.005 Definition.**

For the purpose of this chapter, the word Parade: shall mean a procession of 25 or more persons, animals or vehicles (in any combination) upon a city park, sidewalk, street or other property.

### **§ 7.25.010 Permit Requirement.**

No person shall engage in, conduct or carry on a parade unless a parade permit has been issued for such activity.

### **§ 7.25.015 Permit Application.**

A parade permit application shall be submitted to the city manager on a city-provided form at least 6 days in advance of the proposed parade. The application shall set forth the following information regarding the proposed parade:

- A. The name, address and phone number of the person or organization sponsoring the proposed parade.
- B. The date, time and duration of the proposed parade.
- C. The approximate number of animals, persons and vehicles that will participate in the parade.
- D. The route of the proposed parade, including all assembly and dispersal areas.

### **§ 7.25.020 Approval or Denial of Permit.**

A. The city manager shall approve a parade permit within 3 days of the filing of a complete application if there are no grounds for denial; otherwise the permit shall be denied. Written notice of the denial of a parade permit, and the reasons therefore, shall be provided to the applicant. The city manager may deny a parade permit for any of the following grounds:

- 1. The information contained in the application is false or intentionally misleading.
- 2. The parade is proposed for a time and location for which another parade has already been issued a parade permit.

3. The parade is proposed to take place in the roadway portion of a street in a commercial zone between the hours of 8:00 a.m. and 10:00 a.m. or between the hours of 4:00 p.m. and 6:30 p.m., Monday through Friday, unless the parade will occur on a national holiday.

4. The parade, by itself or in combination with another parade, will require closure of the roadway portion a street in a commercial zone for more than 3 hours in any day between the hours of 7:00 a.m. and 8:00 p.m., Monday through Friday, unless the parade will occur on a national holiday.

5. The proposed route or location of the parade traverses a street or other public right of way scheduled for maintenance, construction or repair prior to the permit application.

B. The decision of the city manager on a parade permit application shall be final and shall not be subject to city council review pursuant to chapter 1.20 of this code.

#### **§ 7.25.025 Demonstration Equipment.**

No person in a parade shall carry or possess any length of lumber, wood, or wood lath unless that object is .25 inches or less in thickness and 2 inches or less in width, or if not generally rectangular in shape, such object shall not exceed .75 inches in its thickest dimension.

#### **§ 7.25.030 Exemptions.**

This chapter shall not apply to athletic events, social functions, funeral processions or activities for which a special event permit has been issued.

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## Chapter 7.30 Water Wells

### § 7.30.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

A. Abandoned or Abandonment: well that has not been used for a period of 1 year, unless the well standards advisory board approves the owner's written declaration that it intends to use the well again for supplying water or other associated purpose (such as an observation well or injection well). All such declarations must be resubmitted to the board for approval annually. Test holes and exploratory holes shall be considered abandoned 24 hours after construction work has been completed, unless otherwise approved by the health officer.

B. Agricultural Well: water well used to supply water for irrigation or other agricultural purposes including so-called stock wells.

C. Cathodic Protection Well: any artificial excavation in excess of 50 feet constructed by any method for the purpose of installing equipment or facilities for the protection, electrically, of metallic equipment in contact with the ground, commonly referred to as a cathodic protection well or a deep anode.

D. Community Water Supply Well: water well used to supply water for domestic purposes in systems subject to the Health and Safety Code.

E. Construct, Reconstruct (Construction, Reconstruction): to dig, drive, bore, drill or deepen a well, or to re-perforate, remove, replace or extend a well casing.

F. Destruction: the proper filling and sealing of a well that is no longer useful so as to assure that the ground water is protected and to eliminate a potential physical hazard.

G. Electrical Grounding Well: any artificial excavation in excess of 50 feet constructed by any method for the purpose of establishing an electrical ground.

H. Health Officer: county health officer.

I. Individual Domestic Well: water well used to supply water for domestic needs of an individual residence or commercial establishment.

J. Industrial Well: water well used to supply an industry on an individual basis.

K. Observation Well: a well used for monitoring or sampling the conditions of a water-bearing aquifer, such as water pressure, depth, movement or quality.

L. Public Nuisance: when applied to a well, means a well that threatens to impair the quality of ground water or otherwise jeopardize the health or safety of the public.

M. Salt Water (hydraulic) Barrier Well: a well used for extracting water from or injecting water into the underground as a means of preventing the intrusion of salt water into a fresh water bearing aquifer.

N. Test or Exploratory Hole: an excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation or any other means.

O. Well: any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of equipment, for making tests or observations of underground conditions, or for any other similar purpose. "Well" shall include, but shall not be limited to, community water supply wells, individual water supply wells, individual domestic wells, industrial wells, agricultural wells, cathodic protection wells, electrical grounding wells, test and exploratory holes, observation wells and salt water (hydraulic) barrier wells, as defined herein, and other wells whose regulation is necessary to fulfill the purpose of this chapter as determined by the well standards advisory board.

"Well" shall not include:

1. Oil and gas wells, geothermal wells or other wells constructed under the jurisdiction of the State Department of Conservation, except those wells converted to use as water wells;
2. Wells used for the purpose of dewatering excavations during construction, or stabilizing hillside or earth embankments; or
3. Other wells whose regulation is not necessary to fulfill the purpose of this chapter as determined by the well standards advisory board.

**§ 7.30.010 Well Standards Advisory Board.**

The well standards advisory board, as established by the county, shall have jurisdiction for the enforcement of this chapter, including but not necessarily limited to the issuing of permits, inspections, the issuing of notices, the providing for public hearings before the board, the findings if public nuisances exist relating to water wells within the city, the provisions for abatement and abatement costs, and the

establishment of standards for the construction, reconstruction or destruction or abandonment of wells and the imposition of penalties for the violation of this chapter.

**§ 7.30.015 Acts Prohibited; Permit Required.**

A. No person shall construct or reconstruct any well unless such construction or reconstruction is carried out pursuant to and in conformance with a written permit issued for that purpose by the health officer as provided in this chapter.

B. Nor shall any such person abandon a well unless it has been destroyed pursuant to and in conformance with a written permit issued by the health officer.

C. Nor shall any such person violate the terms of any order issued by the well standards advisory board or the health officer, issued pursuant to this chapter.

**§ 7.30.020 Permits.**

A. Applications for permits shall be made to the health officer containing such information as required by the health officer.

B. Each application shall be accompanied by a fee which shall be established by the board of supervisors on the basis of the cost incurred in enforcing the provisions of this chapter. 50% of the fee shall be returned to the applicant should the permit be denied or if the permit is canceled within 60 days after issuance and no work has been done. A permit shall remain in effect for 1 year from date of issuance.

C. Permits may be issued subject to any condition or requirement found by the health officer to be necessary to accomplish the purposes of this chapter.

D. A permit may be canceled or the conditions amended by the health officer upon a determination that to proceed with the work would result in a public nuisance or the permit holder has violated the terms of the permit or this chapter.

**§ 7.30.025 Completion of Work.**

The permittee shall notify the health officer in writing upon completion of the work and no work shall be deemed to have been completed until such written notification has been received. A final inspection of the work shall be made by the health officer and no permittee shall be deemed to have complied with this chapter or the permit until such inspection has been performed.

#### **§ 7.30.030 Notice; Cancellation or Denial of Permit.**

In the event a permit is denied or cancelled, the applicant or permit holder shall be given written notice by the health officer, which notice shall specify the reasons for the action and shall notify the applicant or permit holder of the right to request a hearing before the well standards advisory board within 10 days.

#### **§ 7.30.035 Notice; Wells Constituting a Public Nuisance.**

In the event the health officer determines that a well constitutes a public nuisance, the health officer shall mail a written notice to the landowner and the permit holder, if other than the landowner. A copy of the notice shall be posted on the affected property. The notice shall state the specific facts giving rise to such nuisance, the corrective measures deemed necessary, and the time, date and place at which a hearing shall be held by the well standards advisory board relating thereto, which date shall be not less than 10 nor more than 30 days after the date such notice is mailed. The notice shall state that in the event the board determines that a public nuisance exists, a special assessment shall be imposed upon the land for any costs of abatement.

#### **§ 7.30.040 Immediate Abatement.**

If the health officer finds that immediate action is necessary to prevent impairment of the ground water or a threat to the health or safety of the public, the health officer may abate the nuisance without giving notice. Within 24 hours after initiating such abatement, the health officer shall give notice of a hearing before the well standards advisory board in the manner prescribed by this chapter.

#### **§ 7.30.045 Board Hearing.**

At the time fixed for the hearing, the well standards advisory board shall hear and consider all relevant testimony and evidence offered by the landowner, and by any other interested person. In the event the board finds that a public nuisance exists, it shall direct the health officer to take any necessary action to protect the ground water or the health and safety of the public, unless the situation is corrected by the landowner on or before a date to be specified by the board. The costs of such corrective work by the health officer shall become a special assessment upon the land pursuant to this chapter.

#### **§ 7.30.050 Abatement Costs a Special Assessment.**

Upon a finding by the well standards advisory board that a well constitutes a public nuisance, all costs of abatement carried out under the terms of this section shall constitute a charge and special assessment upon the parcel of land

involved. If such costs are not paid within 60 days, they shall then be declared a special assessment against that parcel as provided in Government Code Section 38773.5. Such special assessment shall be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ordinary county taxes. The county shall retain the additional and independent right to recover its costs by way of civil action against the owner and person in possession or control, jointly or severally.

**§ 7.30.055 Standards.**

Standards for the construction, reconstruction, destruction or abandonment of wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74, Chapter II, and future amendments thereto. Standards for the construction, reconstruction, destruction or abandonment of cathodic protection wells shall be the standards recommended in the State Department of Water Resources Bulletin No. 74-1. Well standards may be modified by the health officer, with the advice and concurrence of the well standards advisory board, where required to cope with local geological and ground water conditions.

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## **Chapter 7.35 Public Nuisances**

### **§ 7.35.005 Definitions.**

For the purpose of Chapter 7.35 and Chapter 7.40, the following words and phrases shall mean:

A. Hearing Officer: a city department head designated by the city manager, including without limitation the director of development services and director of public works/city engineer.

B. Occupant: any person in possession and/or control of any property, including without limitation the owner, owner's agent or employee, a lessee, lessee's agent or employee or a tenant, tenant's agent or employee.

C. Owner: the owner of record as shown in the county assessor's current tax records. For purposes of providing notice to such owner of any action under this chapter, owner shall include the actual owner of record, or such owner's agent, employee or other legal representative.

D. Property: any grounds, lot, parcel, tract or other piece of land, as well as any building or other structure located thereon.

### **§ 7.35.010 Public Nuisances Prohibited.**

A. A public nuisance is any violation of this code or anything injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by a neighborhood or by a considerable number of persons even where the annoyance or damage inflicted upon individuals is unequal. The city council shall have the power to declare by resolution that any particular act or condition constitutes a public nuisance.

B. In addition, each of the following acts or conditions constitutes a public nuisance:

1. **Emission of Noxious Fumes or Odors.** No person shall operate or maintain any furnace, oven, drier, bleacher, evaporator, roaster or other heating, drying, burning or charring device or apparatus, or any vat, storage yard, warehouse, shed or place where any raw or manufactured material or commodity is treated, dried, burned, charred or stored, from which noxious fumes or odors are emitted.

2. Deposit of Harmful Material or Waste on Public Property. No person shall scatter, throw, place, discharge, deposit or leave, or cause, suffer or permit to be scattered, thrown, placed, discharged, deposited or left, any refuse matter, waste matter, rubbish, garbage, effluent, carcasses or remains of any creature, or any portion thereof, paper, empty containers, remnants of any food or other waste, trash or broken glass, nails, tacks, dirt, or any substance or material whose presence at such location might result in injury to any person in or upon any public property, including without limitation the beach or pier. Notwithstanding the preceding, a person may discard items in receptacles designated for such items.

3. Deposit of Petroleum Product on Any Property. No person shall cause or permit any oil, waste oil, oil refuse, oil waste matter or any petroleum product or by-product, to be or remain on the surface of any private or public property, except in an oil sump property legally designated to contain and restrain such materials.

4. Disturbing of the Peace. No person shall willfully disturb the peace or quiet of any neighborhood or person by doing any of the following:

a. Creating or causing to be created any loud, unnecessary or unusual noises.

b. Firing without just causes any pistol, revolver, shotgun or firearm.

c. Fighting.

d. Threatening or challenging to fight.

e. Keeping an animal that creates a noise disturbance in violation of Section 7.05.065 of the Code. (Ord. No. 1609)

f. Acting in an offensive manner.

5. Obstruction on Public Property. No person shall obstruct any street, alley, sidewalk, public way or public property by causing or permitting to be placed, erected or set in position any fence, post, or other barrier, or by sitting in or upon any public hallway, public sidewalk or public walkway area. This prohibition does not prohibit sitting on the seat of a bench legally placed upon a public hallway or upon a public sidewalk, or standing on the sidewalk at a bus stop for the purpose of boarding a bus.

6. Encroachment on Public Property. No person shall erect, construct or maintain any structure, in whole or in part, in or on any street, alley, sidewalk, public way or public property, without an encroachment permit. This provision shall not apply to lawfully installed newsracks.



7. Substandard or Dangerous Property Conditions. No person shall cause or to allow any condition on its property, or on an adjacent sidewalk, that increases the danger of fire or other calamity or that results in substantial detriment to the property of others in the immediate vicinity. Such conditions include without limitation to the following:

a. The presence of junk, trash, debris, building materials, substantial quantities of loose earth, rocks or pieces of concrete.

b. The presence of abandoned, discarded, unused or deteriorating materials, objects or equipment, including without limitation furniture, bedding, machinery, packing boxes, cans, containers or vehicles.

c. The presence of stagnant water, excavations, eroded or eroding earth or sand that sloughs onto adjoining sidewalks or street, or eroded or eroding earth or sand that in normal weather conditions can be carried off or blown from the property as dust.

d. Any fence, structure, or landscaping that is visible from any adjacent property, street, road, highway, alley, or right-of-way that may detrimentally affect the aesthetic and economic value of the property in the immediate vicinity.

e. The accumulation of any kind of combustible material.

f. Any structure, or any structural component thereof, that is partially destroyed or otherwise structurally unsound.

g. Any defective wiring, switches, gas lines, valves, pipes or any component part of the electric, gas, water or plumbing systems.

h. Any dirt, rubbish, weeds or rank growth.

8. Human Waste Disposal, urinating or defecating in public places or public view. No person shall urinate or defecate in a public place or in view of a public place, except in toilet facilities intended for accepting human waste. For these purposes, "public" includes common areas located on private property. (Ord No. 1581)

#### **§ 7.35.015. Each Day a Separate Offense.**

Each day a nuisance continues to exist shall constitute a new and separate offense.

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## **Chapter 7.40**

### **Nuisance Abatement**

#### **§ 7.40.005 Definitions.**

For the purpose of this chapter, the definitions set forth in Chapter 7.35, Section 7.35.005 apply.

#### **§ 7.40.010 Abatement.**

A. The owner and the occupant of any property where a public nuisance is located shall be jointly and severally responsible for abating the public nuisance and for all costs associated with the abatement. The cost of abatement of the public nuisance and related administrative costs shall include without limitation costs associated with: inspection; investigation; boundary determination and measurement; staff time; processing; clerical and associated acts; attorney services; and costs to repair and eliminate all substandard conditions. If such public nuisance has not been abated within the time prescribed by this chapter, the city council may authorize the abatement, including without limitation the removal or destruction of the nuisance, as hereafter provided.

B. The prevailing party in any action, administrative proceeding or special procedure to abate a public nuisance pursuant to this section may recover its reasonable attorneys' fees in those individual actions or proceedings wherein the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to any prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

C. The city may collect the costs and attorneys' fees associated with the abatement by any or all of the following methods: agreement; settlement; civil compromise; filing a cost bill in a civil action; recording a nuisance abatement lien against the property where the nuisance is or was located; or imposing a special assessment against the property where the nuisance is or was located.

#### **§ 7.40.015 Procedure.**

Except for code violations and other nuisances per se, the city shall comply with the following process to declare a public nuisance:

A. Resolution. City council shall adopt a preliminary resolution declaring that a public nuisance exists. If the nuisance is located at or upon a specified location, the resolution shall identify the property by street address and lot and

block number. The resolution may include any number of separate or contiguous streets, sidewalks, or parcels of private property.

B. Notice of Violation. The city shall notify the owner and occupant by serving a written Notice to Abate a Public Nuisance in a form approved by the city attorney.

C. Service of Notice. Notice shall be provided at least 5 days prior to the time scheduled for a hearing. Notice may be given in any of the following ways:

1. Posted Notice. At least one posted notice shall be conspicuously affixed on or in front of the property per every 50 feet of street frontage. The caption of the "Notice to Abate" shall be in letters at least 1 inch in height.

2. Notice By Mail. Mailed notice shall be sent by registered or certified mail, postage prepaid, to each person to whom the property is assessed in the last equalized assessment roll and to the occupant of the property.

3. Notice by Personal Delivery. Personally delivered notice shall be made by leaving the notice at the residence of the occupant and the residence or place of business of the owner, between the hours of 8:00 a.m. and 6:00 p.m., with a person of not less than 18 years of age.

D. Hearing. At the time stated in the notice, the hearing officer shall consider the testimony of any interested person and any relevant evidence. Formal rules of evidence do not apply. The hearing officer may continue the hearing.

E. Decision of Hearing Officer. The hearing officer shall make a finding as to whether a public nuisance exists on the subject property. The hearing officer shall file a report of such decision with the city council. If the hearing officer determines that a public nuisance exists, the hearing officer shall order that such nuisance be abated within a specified time.

F. Notice and Appeal of Hearing Officer's Decision. The owner and occupant of the property shall be notified in writing of the hearing officer's decision within 3 days of the hearing. If the hearing officer finds that a public nuisance exists, the notice shall include an Order to Abate and applicable appeal provisions. The owner or the occupant may file an appeal with the city clerk within 10 days of the date of the notice. If no appeal is filed within such 10 day period, the hearing officer's decision shall be final.

G. Notice and Hearing of Appeal. Notice of the city council hearing on the appeal shall be posted on the subject property. The city council shall

consider the testimony of any interested person and any relevant evidence. Formal rules of evidence do not apply. The city council may continue the hearing.

H. Decision of City Council. The city council shall make a finding as to whether a public nuisance exists. The city shall provide notice to the owner and occupant of the city council's decision within 3 days of the close of the hearing. If the city council finds that a public nuisance exists, the notice shall include an Order to Abate. The decision of the city council shall be final.

**§7.40.020. Additional Procedure For Removing Abandoned Vehicles.**

(Ord No. 1577)

A. Removal of Abandoned Vehicles. Pursuant to California Vehicle Code Section 22660, the City hereby establishes the procedure for the abatement and removal of abandoned, wrecked, dismantled or inoperative vehicles or parts declared to be a public nuisance pursuant to this Municipal Code. The provisions of California Vehicle Code Sections 22660 and 22661 are hereby adopted by this reference. In the case of any conflict between the provisions of this section and the provisions of Sections 22660 and 22661, the provisions of Sections 22660 and 22661 shall prevail. Neither the City nor its contractor shall be liable for damage caused to the vehicle or part thereof by removal pursuant to this section.

B. Recovery of Costs of Administration and Removal. Pursuant to Section 7.40.010 of this Chapter, the City may recover all costs associated with the abatement of the public nuisance and the removal of the vehicle or part thereof.

C. Exceptions. A vehicle or any part thereof (individually or collectively "vehicle") shall not be removed pursuant to this chapter if such vehicle is:

1. Completely enclosed within a building in a lawful manner where it is not visible from the street, highway or other public or private property; or

2. Stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or junkyard. This exception does not authorize the maintenance of a public or private nuisance.

D. 10 Day Notice of Intention to Abate and Remove Vehicle.

1. The City shall mail, by certified mail, a notice of intention to abate and remove the vehicle at least 10 days prior to any proposed abatement or removal, to the owner of the real property ("property owner") as shown on the

last equalized assessment roll and to the last registered and legal owner of record of the vehicle ("vehicle owner") unless the vehicle is in such condition that identification numbers are not available to determine ownership.

2. The notice of intention shall state that the property owner or vehicle owner has 10 days after the mailing of such notice or at the time of signing a release pursuant to subsection E1, to request a hearing. The property owner does not have to appear at the hearing if it submits a sworn written statement, supported by reasons, denying responsibility for the presence of the vehicle on the property. If no request or written statement is received within such 10 days, the City may take all necessary steps to remove the vehicle.

3. No notice of intention is required by this section if the property owner and the vehicle owner have signed releases authorizing removal and waiving further interest in the vehicle.

E. Low Value Vehicles.

1. A notice of intention is not required for a vehicle valued at less than \$200 by a person specified in Vehicle Code Section 22855 ("low value vehicle") if the property owner has signed a release authorizing removal and waiving further interest in the vehicle, and the vehicle is:

a. located on a parcel that is either zoned for agriculture use or does not contain any residential structure;

b. inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, and

c. determined by the City to be a public nuisance presenting an immediate threat to public health or safety.

2. Prior to final disposition under Vehicle Code Section 22662 of a low value vehicle for which evidence of registration was recovered pursuant to Section H, the City shall provide notice to the registered and legal owners of the vehicle of the City's intent to dispose of the vehicle. If the vehicle is not claimed and removed from a location specified in Vehicle Code Section 22662 within 12 days after the notice is mailed, final disposition may proceed.

F. Hearing.

1. Either the property owner or the owner of the vehicle may request a hearing before the city council or its designee within 10 days after the mailing of the notice of intention. If a hearing is not requested within this period, the vehicle may be removed.

2. At the hearing, the property owner, the owner of the vehicle, or both, may submit evidence, both oral and written, objecting to the abatement or removal. The property owner may appear at the hearing in person or present a sworn written statement denying responsibility for the presence of the vehicle on his or her property and the reasons for the property owner's denial. If such a statement is submitted within the 10-day appeals period, it shall be construed as a request for hearing that does not require the presence of the owner submitting the request.

G. City Determination. At the conclusion of the hearing, the City shall determine whether the vehicle is a nuisance and should be abated; and whether the vehicle shall be removed. If it is determined at the hearing that the vehicle was placed on the real property without the consent of the property owner and that the property owner has not subsequently acquiesced in its presence, then the City will not assess costs of administration or removal of the vehicle against the real property or otherwise attempt to collect such costs from the property owner.

H. Notice to DMV. Within five days after the City or any agent thereof removes any vehicle or any part thereof pursuant to this chapter, the City shall give the Department of Motor Vehicles notice of such removal. Such notice shall identify the vehicle or part thereof and any evidence of registration available, including registration certificates, certificates of title and license plates.

I. Reconstruction of Abandoned Vehicles. A vehicle that has been removed pursuant to this chapter shall not be reconstructed or made operable unless it qualifies for either a horseless carriage license plate or an historical vehicle license plate, pursuant to Vehicle Code Section 5004.

#### **§ 7.40.025 Compliance.**

The owner or occupant of the subject property shall comply with an Order to Abate within the time specified by the hearing officer or, if the hearing officer's decision was appealed, the time specified by the city council. Notwithstanding compliance with an Order to Abate, the owner and the occupant of the property described in the notice shall in all events be jointly and severally liable to the city for any and all costs associated with the abatement.

#### **§ 7.40.030 Failure to Comply; Abatement by City or Private Contractor.**

In addition to any criminal penalties imposed, failure to comply with an Order to Abate within the time specified may result in abatement by the city and the costs thereof assessed against the property as hereinafter provided. The city council may award a contract to abate the public nuisance to a private contractor. The city may obtain an abatement warrant or any other authorization required by law to authorize city or private contractor employees to enter upon private property to

abate a nuisance. The director of public works/city engineer or the private contractor shall keep an account and submit the itemized written report for each separate parcel of land to the city council for confirmation.

**§ 7.40.035 Cost Report – Posting.**

A copy of the itemized written report showing any costs associated with the abatement shall be posted for at least 3 days prior to its submission to the city council on or near the city council's chamber door. The report shall indicate the time and date of submission.

**§ 7.40.040 Cost Report – Hearing.**

The city council shall hear any objections of the parties who may be assessed for the city's costs. Formal rules of evidence shall not apply at such hearing. The city council may modify the report. The city council shall then confirm the report, as may be modified, by resolution. The decision of the city council shall be final.

**§ 7.40.045 Special Assessment and Lien.**

Costs of abatement shall constitute a special assessment against that parcel and after the assessment is confirmed shall be a lien on the parcel.

**§ 7.40.050 Collection of Costs.**

A. After confirmation of the report, the assessment shall be collected in any of the following ways:

1. The owner or occupant of the property described in the notice may pay the amount due on the abatement to the director of public works/city engineer after the confirmation of the report and until 10 days before a copy of such report is given to the county assessor and tax collector, or, if certified copies were filed with the county auditor, until August 1st following the confirmation of the report.

2. The county tax collector may collect the assessments by issuing separate bills and receipts for the assessments, or the amount of the assessment may be added to the next regular tax bill levied against the parcel for ordinary municipal purposes and be collected therewith at the time and in the manner as ordinary municipal taxes, subject to the same penalties and procedures of foreclosure and sale for delinquencies.

B. Notwithstanding the preceding, the city council may direct that the assessment be collected in successive annual installments at the time and in the manner of property taxes. Such installments shall be subject to the same penalties and procedures for foreclosure and sale for delinquencies applicable to



property taxes. An assessment payment made in installments may include interest on the unpaid balance at a rate to be determined by the city council.

**§ 7.40.055 Refunds.**

The city council may order a refund of all or part of the nuisance abatement assessment if it finds that all or part of the assessment had been erroneously levied. An assessment or part thereof shall not be refunded unless a claim is filed with the city clerk on or before 6 months after the assessment became due and payable. Any claim shall be verified by the person who paid the assessment, or by such person's guardian, executor, or administrator.

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## **Chapter 7.45**

### **Noise Disturbances**

#### **§ 7.45.005 Prohibition.**

A. No person shall willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise that disturbs the peace or quiet of any neighborhood or that causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

B. The standards that may be considered in determining whether a violation of the provisions of this section exists include without limitation the following:

1. The level of noise.
2. Whether the nature of the noise is usual or unusual.
3. Whether the origin of the noise is natural or unnatural.
4. The level and intensity of the background noise, if any.
5. The proximity of the noise to residential sleeping facilities.
6. The nature and zoning of the area within which the noise emanates.
7. The density of the inhabitation of the area within which the noise emanates.
8. The time of the day or night the noise occurs.
9. The duration of the noise.
10. Whether the noise is recurrent, intermittent, or constant.
11. Whether the noise is produced by a commercial or noncommercial activity.

#### **§ 7.45.010 Liability for Costs of Subsequent Responses.**

Upon the initial response of the police department to any disturbance involving loud, unnecessary and unusual noise, the chief of police may, in lieu of or in addition to taking other action authorized by law, give notice to the person or persons in actual or apparent control of the activity creating the disturbance, or to

the person or persons in actual or apparent control of the property or premises wherein the disturbance has occurred, or both, that liability may be imposed upon the person or persons receiving such notice for the costs to the city of any subsequent response by the police department in connection with any continuation or resumption of such disturbance. Such notification shall be in such form as may be approved by the chief of police. The costs of any subsequent response shall be assessed to the person or persons receiving such notice and shall include all costs reasonably incurred by the city in providing law enforcement services and equipment at the scene of the disturbance, including the cost or value of the time expended by police department personnel in making any subsequent response. The method of computing such costs shall be established by the chief of police and approved by the city council. The finance department shall invoice such costs to the person or persons liable therefor under this chapter, and such costs shall constitute a debt to the city and be collectible by the city in the same manner as in the case of an obligation under a contract; provided, however, that in no event shall a person's liability hereunder exceed \$1,000 for any single subsequent response.

#### **§ 7.45.015 Liability of Parents and Guardians.**

If a minor is in actual or apparent control of the activity creating the disturbance, or is in actual or apparent control of the property or premises wherein in the disturbance has occurred, and, following notification, a subsequent response by the police department is made in connection with any continuation or resumption of such disturbance, then the acts or omissions of such minor shall be imputed to the parent or guardian having custody and control of the minor for all purposes of imposing liability for costs hereunder, and the parent or guardian shall be jointly and severally liable with the minor for all costs resulting there from. The liability imposed by this section shall be in addition to any other liability imposed by law.

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## **Chapter 7.50 Special Events**

### **§ 7.50.005 Scope.**

This chapter provides for the approval and regulation of special events on private property, city-owned property and Public Land Use/ Recreation (PLU/R) zone property. This chapter does not apply to parades, political rallies or similar constitutionally protected expressive activities; filming activities subject to Title 5 of this code; or adult-supervised, child-oriented parties conducted at a residential property and involving no live music.

### **§ 7.50.010 Definitions.**

For purposes of this chapter, the following words and phrases shall mean:

- A. Director: director of development services.
- B. Special event: a short term land use activity that is distinct from the customary land use of the property on which it is conducted and that involves the potential for a substantial number of participants or spectators. Special event includes carnival, live music concert, outdoor dining, seasonal goods market (such as a Christmas tree farm or pumpkin farm), street fair and street marathon.

### **§ 7.50.015 Permit Requirement.**

No person shall conduct a special event on private property, city-owned property or Public Land Use/Recreation (PLU/R) zone property unless such person first obtains, and continues to maintain in full force and effect, a special event permit for such special event.

### **§ 7.50.020 Procedure.**

A. Application Filing Time. An application for a special event permit, along with an application fee in an amount established by city council resolution, shall be filed at least 30 days prior to the date of the proposed special event. Notwithstanding the preceding, the director may accept a special event permit application filed less than 30 days in advance when the special event is proposed to be conducted in a city park and there is adequate time for review of the application.

B. Application Contents. An application for a special event permit shall be on a form provided by the city. At a minimum, the application shall contain the following information:

1. The name of the special event organizer and the organizer's contact person (if different).
2. A list of the special event permits requested by the special event organizer in the previous 12 months.
3. A detailed description of the proposed special event (including the hours it is to be conducted).
4. A precise diagram of the venue area and floor plan (if applicable) for the proposed special event.
5. The anticipated number of workers, participants and spectators at the proposed special event.
6. A traffic control plan (including any necessary directional devices and street closures) for the proposed special event.
7. Water facilities and sanitary measures (including toilets and trash containers) for the proposed special event.
8. Security measures for the proposed special event.

C. Public Notice and Comment. Prior to making a decision on a special event permit application, the director shall give written notice of the application to the owners and tenants of businesses and properties located within 100' of the proposed venue. If the number of persons to whom notice would be delivered exceeds 200, then the director may instead provide the notice by placing an advertisement in a newspaper of general circulation. The director shall give due consideration to any written comments received within 5 days of such notice.

D. Decision. The director shall render a written decision, supported by findings, on a special event permit application within 10 days of the filing of the application. The director may approve a special event permit upon determining that the proposed special event will not be detrimental to adjacent property or to the public health, safety and welfare. In making such determination, the director may consider the applicant's past conduct in connection with any special event approved during the previous 12 month period. All special event permits shall be for a limited duration, which shall be indicated in the approval. No special event organizer shall be issued more than 6 special event permits per calendar year for a particular property. The decision of the director shall be final unless appealed in accordance with paragraph F.

E. Authority To Impose Conditions. When approving a special event permit, the director may impose conditions as deemed necessary or appropriate to protect adjacent property and the public health, safety and welfare. Such

conditions may include a requirement for the provision of security measures recommended by the chief of police.

F. Appeals. Decisions involving special event permits shall be subject to the administrative review procedure of chapter 1.20 of this code. The city council shall be the hearing officer for the purpose of such procedure.

#### **§ 7.50.025 Standard Regulations.**

A. Except as provided in paragraph B, in addition to conformance with any conditions imposed in connection with a special event permit, each special event shall be conducted in accordance with the following regulations:

1. The special event shall be conducted entirely within the time period and the geographical boundaries approved by the director. The special event organizers shall conspicuously provide public notice of such time period and boundaries by posting signs at locations approved by the director.

2. The special event organizer shall submit a refundable security deposit in an amount determined by the director. The security deposit amount shall be based solely on the type of special event, the location of the special event and the anticipated number of participants and spectators. The special event organizer shall be refunded the security deposit less any amount deducted to cover the cost of clean-up of the special event area by city forces; damage to city-owned property due to the special event; and extraordinary repair, law enforcement or public safety costs incurred by the city or another governmental agency due to the special event.

3. The special event organizer shall execute a written statement satisfactory to the city attorney whereby the organizer promises to indemnify, defend and hold harmless the city, its elected officials, officers and employees with respect to any liability (including attorney's fees, expenses and costs) for personal injury or property damage sustained by any person as a result of the special event.

4. The special event organizer shall file a certificate of insurance evidencing that a comprehensive liability insurance policy has been issued for the special event by an insurance company that both is admitted and licensed to do business in the State of California; and is rated B+VII or better according to the most recent A.M. Best Co. Rating Guide. The policy limits of such insurance shall not be less than \$1,000,000.00 combined single limit or equivalent. Such policy shall name the City as an additional insured; specify that it acts as primary insurance and that no insurance held or owned by the designated additional insureds shall be called upon to cover a loss; and contain a provision that no termination, cancellation or change of coverage of insured or additional insureds shall be effective until after 30 days notice thereof has been given in writing to the city manager.

B. The director may modify or waive any regulation set forth in paragraph A upon making a determination that, in the context of a specific special event, such regulation is not necessary or appropriate to protect adjacent property or the public health, safety and welfare.

**§ 7.50.030 Permit Revocation.**

The city manager may revoke a special event permit if the special event is conducted contrary to the conditions of approval, the provisions of this code or the provisions of any law. Prior to revocation, the city manager shall give written notice to the special event organizer and, if requested, shall afford a hearing on the grounds for revocation. Notwithstanding the preceding, the city manager may summarily revoke a special event permit when necessary for the immediate protection of the public health, safety or welfare. If requested, the city manager shall afford the special event organizer a hearing on the grounds for revocation as soon thereafter as is practicable.

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## **Chapter 7.55**

### **Park Use Restrictions**

(Ord. No. 1533)

#### **§ 7.55.005 Park Use Provisions.**

Park use by the public may be regulated in accordance with City Council adopted rules and regulations adopted by City Council resolution regarding reservations, responsibilities, permit requirements and grounds for denial of permits.

#### **§ 7.55.010 Park Use Restrictions.**

A. No person, other than authorized city staff, shall operate or drive an automobile, motorcycle, truck, or other conveyance in a city park except on the designated roads and parking areas.

B. No person shall wash or repair any automobile, motorcycle, truck, or other conveyance in a city park except for law enforcement or emergency purposes.

C. No person, other than fire officials or peace officers in the discharge of their official duties, shall possess, carry or use any fireworks, firearms, air guns, BB guns, bows and arrows, sling shots, knives, or other weapons potentially harmful to wild life or to human safety.

D. No alcoholic beverages are to be sold or consumed at any park or athletic facility.

E. The sale or rent, or the soliciting for sale or rent, of any goods, equipment, merchandise, food, or beverages is prohibited except as allowed by a special event permit in accordance with the provisions of Chapter 7.50, Special Events.

F. No person shall drive, putt, or in any other fashion play or practice golf on city park land or on city athletic field land, except when conducted as part of and directly supervised through a City-sponsored recreation class. (Ord. No. 1536)

G. No person shall fly engine-powered model airplanes on or over city park land or city athletic field land.

H. No person shall suspend or attach to trees in a city park or a city athletic field any object that could in any way damage or deface said tree or trees."

I. No person shall smoke. For purpose of this section, the term "smoke" includes without limitation the following: carrying or holding of a lighted

pipe, cigar, cigarette or any other lighted smoking product or equipment used to burn any tobacco product, weed, plant or another combustible substance ("similar device" hereinafter); the lighting of a pipe, cigar, cigarette or similar device; and the exhaling of gaseous products and particles created by the use of a lighted pipe, cigar, cigarette or similar device. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to obtain compliance with this section. Violations of this section shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure of this code. (Ord No. 1538)

J. No person shall scatter, throw, place, discharge, deposit or leave, or cause, suffer or permit to be scattered, thrown, placed, discharged, deposited or left, any refuse matter, waste matter, rubbish, garbage, lighted or unlighted cigars or cigarettes, cigar butts, cigarette butts or any other tobacco-related waste, effluent, carcasses or remains of any creature, or any portion thereof, paper, empty containers, remnants of any food or other waste, trash or broken glass, nails, tacks, dirt, or any substance or material whose presence at a park might result in injury to any person. Notwithstanding the preceding, a person may discard items in receptacles designated for such items. Violations of this section shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure of this code. (Ord. No. 1538)

K. No person shall be allowed or permitted to have any dogs or other animals in public parks in College Park West and College Park East, with the exception of the designated dog park area at Arbor Park. Leashed dogs or other animals under the charge of a person competent to exercise care, custody, and control over such dog/animal are permitted in all other areas of the City, including public parks and the Electric Avenue Greenbelt. No dogs or other animals are allowed on the city beach or city pier as per Municipal Code § 9.05.090. Violations of this section shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure of this code. (Ord. No. 1591)

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## **Chapter 7.60**

### **Tennis Center Regulations**

(Ord 1551)

#### **§ 7.60.005 Definitions.**

For purposes of this chapter, the following words and phrases shall mean:

A. Tennis Center: the property located at 3900 Lampson Avenue, commonly referred to as the Seal Beach Tennis Center.

B. Hours of Operation: the hours of operation established by the City Manager or designee thereof.

C. Wheeled Device: a device propelled by wheels by human or mechanical power, including but not limited to bicycles, roller skates, scooters, Segways, and skateboards. "Wheeled Device" does not include cars, trucks, and other motor vehicles that may be legally driven on state roads; baby strollers; wheelchairs; and motorized tricycles and quadricycles assisting those with limited mobility.

#### **§ 7.60.010 Entering Tennis Center When Closed to Public.**

A. It is unlawful for any person to enter upon or remain in any Tennis Center building, structure, room, yard, court, enclosure or other property, or any portion or area thereof, at any time before or after the Hours of Operation, or when such building, structure, room, yard, enclosure or other property, or any portion or area thereof, is locked, barred, closed, or otherwise shut off from the use of the public, except with the express consent of the Director of Parks and Recreation or designee thereof.

B. This Section shall not apply to any duly authorized employee, agent or officer of the City of Seal Beach, when such employee, agent or officer is acting in the scope of his or her duties.

#### **§ 7.60.015 Obstructions in Pathways.**

It shall be unlawful for any persons to assemble, collect, or gather together in any Tennis Center walk, passageway, or pathway, or to occupy the same so that the free passage or use thereof by persons passing along the walk, passageway, or pathway is obstructed.

**§ 7.60.020 Animals Prohibited.**

No person shall bring any animal, as defined in Section 7.05.005 of this Code, onto the Tennis Center property, and no person owning or having care, charge, control, custody, or possession of any animal shall allow the animal on the Tennis Center property. The foregoing shall not apply to service animals assisting the disabled in accordance with state law.

**§ 7.60.025 Wheeled Devices Prohibited.**

No person shall ride or operate a Wheeled Device on the Tennis Center property, including the parking lot, if signs prohibiting such activity have been conspicuously posted at the main entrance.

**§ 7.60.030 Parking Lot Restrictions.**

A. It is unlawful to park or leave parked any vehicle in the Tennis Center parking lot between the hours of 12:00 midnight and 4:00 AM.

B. The speed limit for the Tennis Center parking lot shall be 10 miles per hour.

**§ 7.60.035 Prohibited Conduct.**

It shall be unlawful for any person to do any of the following acts on the Tennis Center property:

A. To climb, scale, perch, sit, or stand upon or tamper with any pole, lighting standard, wire, fence, wall building, or structure rooftop.

B. To cut, break, injure, deface, or disturb any rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property; or to mark or write upon, paint or deface in any manner, any building, monument, fence, bench or other structure.

C. To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer.

D. To indulge in riotous, boisterous, threatening or indecent conduct, or threatening or indecent language.

\* \* \* \* \*

## **Chapter 7.65**

### **Residency Restrictions on Registered Sex Offenders**

#### **§ 7.65.005 Definitions.**

For the purposes of this chapter, the words and phrases set forth in this section shall mean:

- A. Child or Children: Any person(s) under the age of 18.
- B. Child Care Center: Any State of California, Department of Social Services, licensed facility that provides non-medical care to children in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on a less than twenty-four hour basis, family day care home, infant center, preschool, extended day care facility, school-age child care center, foster family day care home, day care home or day nursery.
- C. Dwelling: Any single family residence, dwelling unit, duplex, triplex, multiple dwelling, multiple-family dwelling, apartment, rooming house, second unit, residential condominium, residential board and care home, rest home, convalescent home, nursing home, home for the aged, guest home, assisted care facility, group home, bed and breakfast facility, hotel, motel, trailer park, trailer court, public camp or mobile home park.
- D. Park: Any park, playground, public swimming pool, athletic field, nature trail, off-road bicycle trail, basketball or tennis court, skateboard park, recreational facility, or area open to the public use for recreational, cultural, and community service activities which is under the control, operation or management of a city, county or any other public agency.
- E. Registered Sex Offender: Any person required to register with the chief of police of the city in which he or she is residing, or the sheriff of the county if he or she is residing in an unincorporated area or city that has no police department, pursuant to the Sex Offender Registration Act (Penal Code §§ 290 to 290.023, inclusive).
- F. Residency: Establishing, with the intent to remain, occupancy in a Dwelling.
- G. Residential Exclusion Zone: The protected area wherein registered sex offenders may not establish temporary or permanent residence.

H. Sex Offender: Any person for whom registration is required pursuant to California Penal Code § 290, regardless of whether that person is on parole or probation.

I. Temporary Residency: Occupying a Dwelling for a period of 30 days or less.

J. School: Any public, parochial, private school or educational institution serving any or all of the grades of pre-kindergarten through grade 12, including but not limited to, an elementary, junior high, four-year, senior high, opportunity, continuation, regional occupational center, evening, charter or technical school.

#### **§ 7.65.010 Residency Restriction.**

It is unlawful for any Registered Sex Offender to establish his or her Residency or Temporary Residency within 2,000 feet of a School, Park, Child Care Center or public library. The distances specified in this Section shall be measured in a straight line, without regard for intervening structures and the boundaries of the City, from the nearest property line of the property upon which the Dwelling is located to the nearest property line of the School, Park, Child Care Center or public library. Further, any parcels partially included within the Residential Exclusion Zone shall be considered to be wholly included within said Residential Exclusion Zone.

#### **§ 7.65.015 Residency with Other Registered Sex Offenders.**

It is unlawful for any Registered Sex Offender to establish Residency or Temporary Residency in a Dwelling already occupied by a Registered Sex Offender, unless the Registered Sex Offenders are legally related by blood, marriage or adoption. It is unlawful for any person to allow any Registered Sex Offender to establish Residency or Temporary Residency in a Dwelling already occupied by a Registered Sex Offender, unless the Registered Sex Offenders are legally related by blood, marriage or adoption.

#### **§ 7.65.020 Penalties.**

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, the penalty shall be a fine of not more than \$1,000.00 or imprisonment in jail for a period of not more than six months or by both such fine and imprisonment.

#### **§ 7.65.025 State Law.**

Nothing in this Chapter is intended to supersede or replace any provision of State law regarding residency restrictions or registration requirements for registered sex offenders.

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